

UNITED STATES DISTRICT COURT

for the

Western District of Pennsylvania

United States of America)

v.)

Albert Shontay Boyd)

Case No: 1:01cr00029

USM No: 20062-068

Date of Previous Judgment: 05/18/2004)

Thomas W. Patton, Assistant Federal Public Defender

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 100 months **is reduced to** 84 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 34Amended Offense Level: 34Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 262 to 327 monthsAmended Guideline Range: 262 to 327 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

When I granted the government's motion for downward departure I considered the sentencing range the defendant would have faced based solely under the crack guidelines when determining the extent of my departure. Because the crack sentencing range has now been lowered, I find that a proportional reduction in the defendant's sentence is appropriate.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 05/18/2004 shall remain in effect.

IT IS SO ORDERED.

Order Date: _____

Judge's signature

Effective Date: _____
(if different from order date)

Printed name and title